

1900-037 Chancery Causes: Calvin Pardee vs. J. M. Flanary &c  
Lee Co.

Bailey, Hobbs, Pennington, Ely, Slem, Stout, Sewell,  
Winn

CA-Contract Dispute  
T-Property



CIRCUIT COURT OF LEE COUNTY, VIRGINIA.

Calvin Pardee

v.

J. M. Flanary et al.

BILL

To the Honorable H. A. W. Skeen,

Judge of the Circuit Court of Lee County, Va..

Your orator, Calvin Pardee, states as follows, to-wit:

That, by deed dated June 3rd, 1861, recorded in the County Court Clerk's Office of Lee County, Virginia, in Deed Book 15, page 160, one Elkanah Flanary granted and conveyed unto Henry C. Slemp, George W. H. Habern, James M. Flanary, Campbell Slemp and Susan Slemp one undivided one-half interest in and to a certain tract of land lying in the Crab Orchard, Lee County, Virginia, containing two hundred (200) acres, more or less, and being the same tract of land which was conveyed by the Commonwealth of Virginia unto one Albin Whisman, by patent dated October 1st, 1855; and also an undivided one-half interest in and to a certain other tract or parcel of land lying in the Crab Orchard, in Lee County, Virginia, containing eleven hundred and fifty (1150) acres, and being the same which was granted by the Commonwealth of Virginia to Elkanah Flanary and Sebastian S. Slemp, by patent dated August 1st, 1855, save and except a certain portion of the said last named tract, which was, by deed dated February 18th, 1860, recorded in the County Court Clerk's Office of Lee County, Virginia, in Deed Book 17, page 145, granted by the said Elkanah Flanary and others unto one Calvin Whisman; that while the said instrument from the said Elkanah Flanary to the said Henry C. Slemp and others was intended to be a deed, and was so considered by the parties, and has been so acted upon and recognized by them, and by all persons claiming by, through and under them from that day until this, yet the said instrument was not properly sealed in that the

*Insert names of Hobbs.  
Horn and five more  
of same*

✓



scroll attached thereto was not recognized in the body thereof as a seal, and, therefore, the said deed, as a matter of law, operates only as a contract, instead of as a deed of conveyance;

That the said grantees paid to the said Elkanah Flanary during his lifetime the full consideration recited in the said deed for the said land;

That the said Calvin Pardee has by divers mesne conveyances become possessed of the title to the whole of the said two hundred (200) acre tract of land, and also ~~of~~ all of the title to the following parts or parcels of the said eleven hundred and fifty (1150) acre tract of land, to-wit, a certain portion thereof conveyed to him, the said Pardee, by N. C. Ely and wife, by deed dated June 4th, 1900, of record in the County Court Clerk's Office of Lee County, Virginia, and of another part thereof conveyed to him by John Edens and wife, by deed dated June 4th, 1900, of record in the said Clerk's Office, of another part thereof conveyed to him by E. M. Cooper, by deed dated June 4th, 1900, of record in the said Clerk's Office, and of another part thereof conveyed to him by Campbell Slomp and wife, by deed dated April 27th, 1900, of record in the said Clerk's Office, and now claims and owns the said lands under the aforesaid grantees of the said Elkanah Flanary;

That the said Elkanah Flanary died intestate some fifteen years ago, leaving the following children his heirs at law, to-wit, J. M. Flanary, who lives in Lee County, Va.; a daughter Lucinda, who married Nathaniel G. Bailey, both of whom live in Montgomery County, Kentucky; C. F. Flanary, who lives in Wise County, Va.; Emily a daughter, who intermarried with one Joshua Hobbs, who is now living in Lee County, Va., the said Emily having died intestate, leaving the following



children as her heirs at law, to-wit, Rosa H. Hobbs, who later  
married with George M. Pennington, and the said Rosa H. Hobbs  
died about March 15<sup>th</sup> 1899, leaving surviving her, her husband George M.  
Pennington, and Perda Pennington, Otto Pennington, and Joshua  
Pennington, her youngest son, and all three are infants under twenty  
one years of age, J. E. Hobbs, Mary D. Hobbs who later  
married with J. P. Ely, D. C. Hobbs, and Joshua E. Hobbs who is  
an infant under twenty one years old, and all live in Lee Co., Va.  
Eliza, another daughter, who married Wm. M. Winn,

both of whom died, leaving a daughter Nannie as their heir  
at law, the said daughter Nannie having since married M. L.  
Slomp, who, together with his said wife, live at Pennington  
Gap, Va.; J. J. C. Flanary, who lives in Lee County, Virginia;  
Elbert S. Flanary, who lives in Lee County, Va.; and Eliza-  
beth, a daughter, who married Charles Stout, who, together  
with his said wife, live in \_\_\_\_\_ County, Ken-  
tucky;

All of which will more fully appear by reference to  
certified copies of the said patents and deeds, all of which  
are filed herewith as part hereof;

Wherefore, your orator, being without remedy save in  
a Court of Equity, prays that the said J. M. Flanary, Lucinda

Bailey, Nathaniel G. Bailey, C. F. Flanary, Joshua Hobbs, George  
M. Pennington, Perda Pennington, Otto Pennington, Joshua Penning  
ton, J. E. Hobbs, Mary D. Ely, J. P. Ely, D. C. Hobbs,  
Joshua E. Hobbs,

Nannie Slomp, M. L. Slomp, J. J. C. Flanary, Elbert S. Flan-  
ary, Elizabeth Stout, and Charles Stout be made parties de-  
fendant to this bill, and required to answer the same, but  
answer under oath is hereby waived; that a guardian ad litem

be appointed for the said infant defendats, to-wit, Perda  
Pennington, Otto Pennington, Joshua  
Pennington, and Joshua E. Hobbs,

and that he be required to answer for the said infants; that  
an order of publication be made against the said non-resident  
defendants; and that, upon a final hearing, a commissioner  
be appointed with directions to convey all of the right,



title and interest of each and all of the said defendants in  
and to the said lands to your orator, and for costs, and  
such other relief as may be proper, and to equity may seem  
meet. And may I pray issue &c. And he  
will ever pray &c.

Bullitt & Kelly,  
A. H. Sumrell,  
Attys.

*Handwritten notes in left margin:*  
To the  
Bullitt & Kelly  
A. H. Sumrell  
Attys.  
The above is a copy  
of the original  
of the original  
of the original



Calvin Pardee

vs } Bill in Chancery

J. M. Flannery et al

1st Sept rules & pa & do  
bill filed & decree nisi



Circuit Court of Lee County, Virginia.

Calvin Pardee, Complainant,

v.

AFFIDAVIT:

J. M. Flanary et al., Defendants.

Affiant B. H. Sewell states on oath that Lucinda M. Bailey, Nathaniel G. Bailey, Elizabeth Stout, and Charles Stout, who are defendants in a certain suit about to be instituted in the Circuit Court of Lee County, Virginia, wherein Calvin Pardee is plaintiff, and J. M. Flanary and others are defendants, are non residents of the State of Virginia.

B. H. Sewell,

State of Virginia )  
                          ) to-wit:  
County of Lee        )

I, ATB Munsey Clerk of the Circuit Court  
in and for the State and County aforesaid, do hereby certify  
that B. H. Sewell, whose name is signed to the foregoing  
affidavit, this day personally appeared before me in my  
County aforesaid, that the statements contained in the said  
affidavit are true. *Given under my hand*  
*this Aug 6<sup>th</sup> 1900.* ATB Munsey Clerk



Calvin Pardee  
vs Zaffi for O.P.

J M Flannery et al

Filed August 6<sup>th</sup> 1900

A.B. Muncey Clerk

Circuit Court of the County, Virginia.

Plaintiff, Calvin Pardee,

Defendant;

vs  
J. M. Flannery et al  
Defendants; are non residents of the State of Virginia.  
The Circuit Court of Lee County, Virginia, where  
one defendant is a certain affidavit to be in-  
troduced. C. Bailey, Elizabeth Stoddard and Charles  
Affiant D. H. Sewell, signed on oath at Indiana.

State of Virginia )  
County of Lee )  
Plaintiff )  
vs )  
Defendant )

A.B. Muncey Clerk of the Circuit Court

I, A.B. Muncey, Clerk of the Circuit Court  
in and for the State and County aforesaid, do hereby certify  
that D. H. Sewell, whose name is signed to the foregoing

affidavit, was personally appeared before me in my  
County aforesaid, and the statements contained in the del-

ated affidavit are true. Given under my hand  
and the seal of the County aforesaid, this 6<sup>th</sup> day of August 1900.

A.B. Muncey Clerk



Plffs Costs

Clerk 6.10

Tax 1.50

Shff 6.00

atty 15.00

Printer 12.00

S. A. L. 5.00

\$45.60

Calvin Parker

vs.  $\frac{1}{2}$  In Chancey

J. M. Flannery & Co.

1900. 1st Sept rules Bill filed

Spa & sent on home  
defts D. N. and order of

Publication for non residents  
& contd for D. N. to complete

" 2nd Sept rules D. N. Confd

Order of Publication com-  
plete & cause set for  
hearing,



MEMORANDUM FOR CLERK

Circuit Court of Lee County, Virginia.

Calvin Pardee, Complainant,

v.

J. M. Flanary et al., Defendants, Lucinda Bailey, Nathaniel G. Bailey, C. F. Flanary, Joshua Hobbs, George W. Pennington, Penda Pennington, Otto Pennington, Joshua Pennington, J. E. Hobbs, Monroe Ely, J. P. Ely, D. C. Hobbs, Joshua E. Hobbs, Eliza-Winn, Nannie Slemph, M. L. Slemph, J. J. C. Flanary, Elbert S. Flanary, Elizabeth Stout and Charles Stout, Defendants  
Suit in Chancery.

Issue summons against J. M. Flanary, C. F. Flanary, of Wise County, Joshua Hobbs, Nannie Slemph, M. L. Slemph, J. J. C. Flanary and Elbert S. Flanary, home defendants, returnable to the 1st September Rules, 1900; make order of publication against the non-resident defendants, namely Lucinda Bailey, Nathaniel G. Bailey, Elizabeth Stout, and Charles Stout, and publish the same in the South-West Virginian, and post the same at the front door of the Court-house. Appoint at rules guardian ad litem for the infant defendants, namely:

Penda Pennington, Otto Pennington, Joshua Pennington and Joshua E. Hobbs,

In the order of publication, state the object of the suit as follows; to-wit:

"The object of this suit is to require the defendants herein who are heirs of Elkanah Flanary, deceased, to convey unto said Calvin Pardee all their right, title and interest in and to a certain tract of land lying in the Crab Orchard, Lee County, Virginia, containing two hundred acres, more or less, which was granted by the Commonwealth of Virginia to one Albin Whisman by patent dated the 1st day of October, 1855; and also all their right, title and interest in and to



the following parcels of another tract of land containing 1150 acres, more or less, lying in the Crab Orchard, in Lee County, Virginia, which was granted by the Commonwealth of Virginia to the said Elkanah Flanary and Sebastian S. Slemp by patent, dated August 1st, 1855, to-wit, all those parts or parcels thereof which were conveyed to the said Calvin Pardee by the following persons, to-wit, Campbell Slemp and wife, by deed dated April 27th, 1900, N. C. Ely and wife, E. M. Cooper, and John Edens and wife, by deeds dated June 4th, 1900, all of which are of record in the County Court Clerk's Office of Lee County".



Circuit Court of Lee County  
Virginia

Calvin Pardee

versus

J. M. Flanary et al.

The answer of Perda Pennington,  
Oto Pennington, Joshua Pennington  
and Joshua E. Hobbs by  
D. C. Sewell their Guardian ad  
Litem to the Bill in the above  
cause.

Respondent by their said Guardian  
ad litem say that they are infants  
and therefore they commend them-  
selves and their rights herein to  
the protection of the court and  
pray that no decree be entered  
herein to their prejudice, and  
Respondents pray to be hence  
dismissed with their costs

D. C. Sewell  
Guardian ad Litem



Calvin Pardee

vs { 3 answer of  
G. A. L.

J. M. Flanagan et al

Filed Nov. 8<sup>th</sup> 1900  
in open court

A. B. Mursey Clerk  
~~Court~~



CIRCUIT COURT OF LEE COUNTY, VIRGINIA.

Calvin Pardee, Complainant,

v.

DECREE

J. M. Flanary, et al., Defendants.

This cause came on this 8<sup>th</sup> day of November, 1900, to be heard upon the bill of Complainant in this cause and the exhibits filed therewith, the answer of the infant defendants Perda Pennington, Otto Pennington, Joshua Pennington, and Joshua E. Hobbs, by their guardian ad litem D. C. Sewell, and general replication thereto, and was argued by counsel, and it appearing to the Court that J. M. Flanary, C. F. Flanary, Joshua Hobbs, Nannie Slomp, M. L. Slomp, J. J. C. Flanary and Elbert S. George W. Pennington, J. E. Hobbs, Mary D. Ely, J. P. Ely, D. C. Hobbs, Flanary have been duly and legally summoned in this cause, and that none of them have appeared, answered or pleaded herein, and that an order of publication has been duly made, published and posted herein against the non-resident defendants Lucinda Bailey, Nathaniel G. Bailey, Elizabeth Stout, and Charles Stout, and that none of the said non-resident defendants have appeared, pleaded or answered herein, the bill is taken for confessed as to each and all of the said adult home defendants, and as to each and all of the said non-resident defendants; and on further consideration, it is adjudged, ordered and decreed by the Court that B. H. Sewell, who is hereby appointed a special commissioner for the purpose, be and he is hereby directed to execute and deliver to Calvin Pardee a deed of conveyance, conveying to him all of the right, title and interest of each and all of the defendants in this cause in and to the lands in the bill mentioned, claimed by the said Calvin Pardee;



And thereupon came the said B. H. Sewell, Special Commissioner, and filed his report herein, showing that he had executed the deed hereinabove provided for, and also filed with the said report the said deed for the inspection of the Court; on consideration whereof, it is adjudged, ordered and decreed by the Court that the said report and the said deed be and the same are hereby approved and confirmed, and leave is given to the said Calvin Pardee to withdraw the said deed from the papers in this cause; and nothing further appearing to be done in this cause, it is ordered that it be stricken from the docket *at the order of the plaintiff*



Calvin Parker

vs. { Deere & Sons.

J. M. Flanagan et al

Enter This

Nov. 8<sup>th</sup> 1900

H. A. W. Shum

Entered on Chy  
O.B. No. 6. P. 436.



CIRCUIT COURT OF LEE COUNTY.

Calvin Pardee

v. Report of B. H. Sewell, Special Commissioner  
J. M. Flanary et al.

The undersigned, B. H. Sewell, Special Commissioner, appointed in the above cause, would respectfully report to the Court that he has executed the deed which he was directed to execute by a decree entered this day in the said cause to Calvin Pardee, and he herewith files the said deed for the inspection of the Court.

Respectfully submitted

*B. H. Sewell*

Special Commissioner.



Calvin Pardee

vs. } Com. Report.

J. M. Flanagan et al

Filed Nov. 8<sup>th</sup> 1900  
in open court

A. B. Munnery  
clerk.



In the Clerk's Office of the Circuit Court of the County of  
Lee on the 6<sup>th</sup> day of August 1900.

Calvin Pardee

Plaintiff

against

In Chancery

J. M. Flanary, Lucinda Bailey, Nathaniel Bailey, L. F. Flanary, Joshua Hobbs  
George W. Pennington, Perda Pennington, Otto Pennington, Joshua Penning-  
ton, E. E. Hobbs, Mary D. Ely, J. P. Ely, S. L. Hobbs, Joshua Hobbs, Nannie Slump  
McG. Slump, J. F. L. Flanary, Albert S. Flanary, Elizabeth Stout and Charles  
Stout Defendant S

The object of this suit is to ~~require each and all of the defendants,~~  
~~herein who are~~ heirs of Elkanah Flanary deceased, to  
convey unto said Calvin Pardee all their right, title  
and interest in, and to a certain tract of land  
lying in the Crab Orchard Lee County, Virginia  
containing two hundred acres, more or less, which  
was granted by the Commonwealth of Virginia to one  
Albin Whisman by patent dated 1<sup>st</sup> day of October 1855,  
and also all their right, title and interest in and to  
the following parcels of another tract of land con-  
taining 1150 acres more, or less, lying in the Crab  
Orchard, in Lee County, Virginia, which was granted  
by the Commonwealth of Virginia to the said Elkanah  
Flanary and Sebastain, S. Slump by Patent dated  
August 1<sup>st</sup> 1855, to-wit: all those parts or parcels  
thereof which were conveyed to the said Calvin Pardee by  
the following persons, to-wit: Campbell Slump and wife  
by deed dated April 27<sup>th</sup> 1900, A. C. Ely and wife E. M.  
Cooper, and John Edens and wife, by deeds dated June  
4<sup>th</sup> 1900, all of which are of record in the County Court  
Clerk's office of Lee County.

And an affidavit having been made and filed that the defendant Lucinda Bailey, Nathaniel  
A. Bailey, Elizabeth Stout and Charles Stout are  
not residents of the State of Virginia, it is ordered that they do appear here within fifteen days  
after due publication hereof, and do what may be necessary to protect their interest in this suit. And  
it is further ordered that a copy hereof be published once a week for four weeks in the South-West  
Virginia, and that a copy be posted at the front door of the court-house of this County  
on the first day of the next term of the County Court.

A copy—Teste:  
Bullitt & Kelly  
+ B. B. Sewell p. q.

A. B. Mursey Clerk.



Calvin Pardee

vs. {

ORDER OF  
PUBLICATION.

J. M. Flannery et al

Virginia Lee County to-wit:  
I A. B. Munsey Clerk of the  
Circuit for Lee County do  
hereby certify that I posted  
a copy of the within at  
the front door of the Court-  
house of Lee County on the  
1st day of the August Term  
1900, of the County Court  
of said County, this  
August 20th 1900.

A. B. Munsey Clerk



The Commonwealth of Virginia,

To the Sheriff of the County of Wise, Greeting:

WE COMMAND YOU, that you summon

J. M. Flanary, Lucinda Bailey  
Nathaniel G. Bailey, C. F. Flanary Joshua Hobbs  
George W. Pennington Perda Pennington, Otto  
Pennington Joshua Pennington, J. E. Hobbs  
Mary D. Ely, T. P. Ely, D. C. Hobbs Joshua E. Hobbs  
Nannie Slomp, M. D. Slomp, J. J. C. Flanary, Elbert  
S. Flanary, Elizabeth Stout and Charles Stout

to appear at the Clerk's office of the Circuit Court of the County of Lee  
at the rules to be held for the said Court, on the 1<sup>st</sup> Monday in September 1900.  
to answer a bill in chancery, exhibited against them in our said Court ~~for~~ by  
Calvin Pardee.

And have then there this writ. Witness, A. B. Munsey, Clerk of our said  
Court, at the court-house, the 6<sup>th</sup> day of August 1900 ~~1899~~, and in the  
12 5<sup>th</sup> year of the Commonwealth.

A. B. Munsey Clerk



Serve copy on inside on  
L. F. Flanary

Shff of Mise Co

Form No. 300.

Calvin Pardee

vs.

}

SUBPOENA  
IN  
CHANCERY.

J. M. Flanary et al

Bullitt & Kelly  
+ B. H. Sewell p. q.

To 1st September Rules,  
1900. Circuit Court.

Executed by delivering  
an office copy of  
the within to L. F.  
Flanary, this Augt,  
10<sup>th</sup> 1900.

C. W. Kempf D.C.  
for W. Kellen  
Secy



The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, that you summon J. M. Flanary, Lucinda Bailey, Nathaniel G. Bailey, C. F. Flanary, Joshua Hobbs, George W. Pennington, Perda Pennington, Otto Pennington, Joshua Pennington, J. E. Hobbs, Mary D. Ely, T. P. Ely, D. C. Hobbs, Joshua E. Hobbs, Nannie Slemp, M. L. Slemp, J. J. C. Flanary, Elbert S. Flanary, Elizabeth Stout and Charles Stout

to appear at the Clerk's office of the Circuit Court of the County of Lee at the rules to be held for the said Court, on the 1st Monday in September 1900 to answer a bill in chancery, exhibited against them in our said Court for by Calvin Pardee

And have then there this writ. Witness, A. B. Munsey, Clerk of our said Court, at the court-house, the 6th day of August 1900 1899, and in the 125th year of the Commonwealth.

A. B. Munsey Clerk



Seize copies on the following persons to-wit:  
 Joshua Hobbs  
 D. C. Hobbs  
 Geo W. Pennington  
 M. L. Slomp &  
 Nannie Slomp

Ely

Form No. 300.

Calvin Parker

75.  
 }  
 SUBPOENA  
 IN  
 CHANCERY.

J. M. Flannery et al

Paulitt & Kelly  
 vs G. W. Pennington  
 P. q.

To/1st September Rules,  
 Vice Court.

Executed Aug 17<sup>th</sup> 1900 by delivering <sup>an</sup> attested  
 office copy to Joshua Hobbs and also Executed  
 by delivering an attested office copy to D. C. Hobbs  
 Executed by delivering an attested office copy to  
 M. L. Slomp And by delivering an attested  
 office copy to Nannie Slomp, and further  
 executed <sup>17<sup>th</sup> day of Aug 1900</sup> by as G. W. Pennington, by delivering  
 an attested copy to his wife Katie Pennington at the  
 usual place of abode of the said G. W. Pennington  
 and <sup>whom I have information of purpose of said subpoena</sup> ~~she being~~ a member of the family of G. W. Pennington  
 over the age of 16 years and being found at  
 the usual place of abode of the said G. W. Pennington  
 he the said G. W. Pennington not being then  
 found at his said usual place of abode.

D. P. Ely D. S.  
 for W. J. Mileham.

S. L. C.



The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, that you summon

J. M. Flanary, Lucinda  
Bailey, Nathaniel H. Bailey, C. F. Flanary,  
Joshua Hobbs, George W. Perminington, Perda  
Perminington, Otto Perminington, Joshua  
Perminington, J. E. Hobbs, Mary D. Ely  
J. P. Ely, D. B. Hobbs, Joshua B. Hobbs,  
Nannie Slomp, M. L. Slomp, J. J. C. Flanary  
Albert S. Flanary, Elizabeth Stout and  
Charles Stout

to appear at the Clerk's office of the Circuit Court of the County of Lee  
at the rules to be held for the said Court, on the 1st Monday in September 1900  
to answer a bill in chancery, exhibited against them in our said Court for by  
Calvin Pardee

And have then there this writ. Witness, A. B. Munsey, Clerk of our said  
Court, at the court-house, the 6th day of August 1900, and in the  
12th year of the Commonwealth.

A. B. Munsey Clerk



Serve Copies on  
J.M. Flanary  
T.P. Ely  
Mary D Ely  
J.E. Hobbs  
J.J. C Flanary &  
Albert S Flanary

Livesay

Form No. 300.

Calvin Pardee

vs. }

SUBPOENA  
IN  
CHANCERY.

J.M. Flanary et als

Bullitt & Kelly  
Attorneys at Law p. q.

To 1st September Rules,  
Circuit Court.

Executed August 20th 1900  
by delivering an attested office  
of the within & pa in Chcy to  
J.M. Flanary, T.P. Ely Mary  
D Ely J.E. Hobbs J.J. C Flanary  
& Albert S Flanary

R. B. Livesay Deft  
for W. J. Mileham S. L. C.



**CERTIFICATE OF  
ORDER OF PUBLICATION.**

I, A. M. Goins, Editor of the **SOUTH-  
WEST VIRGINIAN**, a weekly newspa-  
per published at Jonesville, Lee County,  
Va., do hereby certify that the annex-  
ed notice was published in said paper  
once a week for four successive weeks,  
commencing on the 9<sup>th</sup> day of

August, 1900

A. M. Goins, EDITOR.

FEE, \$12 00

**VIRGINIA**—In the Clerk's Office of the  
Circuit Court of the County of Lee on  
the 6th day of August, 1900.

**CALVIN PARDEE**, Plaintiff,  
against

J. M. Flanary, Lucinda Bailey,  
Nathaniel G. Bailey, C. F. Flanary  
Joshua Hobbs, Geo. W. Penning-  
ton, Perda Pennington, Otto Pen-  
nington, Joshua Pennington, Z. E.  
Hobbs, Mary D. Ely, T. P. Ely,  
D. C. Hobbs, Joshua E. Hobbs,  
Nannie Slemp, M. L. Slemp, J. J.  
C. Flanary, Elbert S. Flanary,  
Elizabeth Stout and Chas. Stout, D<sup>t</sup>s.

**IN CHANCERY.**

The object of this suit is to require the  
defendants herein who are heirs of  
Elkanah Flanary deceased, to convey unto  
said Calvin Pardee all their right, title and  
interest in, and to a certain tract of land  
lying in the Crab Orchard, Lee County,  
Virginia, containing 200 acres, more or  
less, which was granted by the Common-  
wealth of Virginia to one Albin Whisman  
by patent dated 1st day of October, 1855,  
and also all their right, title and interest  
in and to the following parcels of another  
tract of land containing 1,150 acres, more  
or less, lying in the Crab Orchard, in Lee  
County, Va., which was granted by the  
Commonwealth of Virginia to the said  
Elkanah Flanary and Sebastian S. Slemp  
by patent dated August 1st, 1855, to-wit:  
all these parts or parcels thereof which  
were conveyed to the said Calvin Pardee  
by the following persons to-wit: Campbell  
Slemp and wife by deed dated April 27th,  
1900; N. C. Ely and wife, E. M. Cooper,  
and John Edens and wife, by deeds dated  
June 4th, 1900, all of which are of record  
in the County Court Clerk's Office of Lee  
County."

And an affidavit having been made and  
filed that the defendants, Lucinda Bai-  
ley, Nathaniel G. Bailey, Elizabeth Stout  
and Charles Stout

are not residents of the State of Virginia,  
it is ordered that they do appear here within  
fifteen days after due publication hereof  
and do what may be necessary to protect  
their interest in this suit. And it is further  
ordered that a copy hereof, be published  
once a week for four weeks in the South-  
west Virginian, and that a copy be posted  
at the front door of the court-house of this  
county on the first day of the next term of  
the County Court.

A copy—Teste:

A. B. MUNSEY, Clerk.

Bullitt & Kelly and B. H. Sewell, p. q.



ORDER OF PUBLICATION.

Calvin Pardee

VS.

IN CHANCERY.

J. M. Flannery et al

FEE \$12 00